

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 2:16-cv-00543-JRG-RSP
	§	
MASABI LTD.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	PATENT CASE

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

In accordance with the Court’s Amended Docket Control Order (Doc. #37) entered in this action, Plaintiff Bytemark, Inc. (“Plaintiff”) and Defendant Masabi Ltd. (“Defendant”) hereby submit this Joint Claim Construction and Prehearing Statement pursuant to P.R. 4-3. The patents involved in this case are U.S. Patent No. 8,494,967 (“the ‘967 Patent”), attached hereto as Exhibit A-1, and U.S. Patent No. 9,239,993 (“the ‘993 Patent”), attached hereto as Exhibit A-2. The patent claims that are asserted in the above-referenced case are at least claims 1, 2, 3, 4, 5, 6, 17, 18, 19, 20, 21, 22, 23, and 34 of the ‘967 Patent and claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 22, 23, and 24 of the ‘993 Patent.

A. P.R. 4-3(a): Agreed Constructions, Points of Agreement and Request For Determination as Part of *Markman* Process.

Term	Agreed Construction
“obtain”	Plain and ordinary meaning
“readily recognizable visually”	Plain and ordinary meaning
“unique alphanumeric string”	Plain and ordinary meaning

B. P.R. 4-3(b): Proposed Constructions of Disputed Terms; Intrinsic and Extrinsic Evidence.

Plaintiff’s Proposed Constructions of Disputed Terms:

Plaintiff’s proposed constructions of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to Plaintiff on which it intends to rely either to support Plaintiff’s proposed constructions or to oppose Defendant’s proposed constructions, including dictionary definitions and citations to learned treatises, and testimony of percipient and expert witnesses, are attached as Exhibit B.

Defendant’s Proposed Constructions of Disputed Terms:

Defendants’ proposed constructions of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to Defendant on which it intends to rely either to support Defendant’s proposed constructions or to oppose Plaintiff’s proposed constructions, including dictionary definitions and citations to learned treatises, and testimony of percipient and expert witnesses, are attached as Exhibit C.

All parties reserve the right to rely on any evidence identified by any other party, including any asserted claims and related prosecution history. All parties further reserve the right to rely on evidence not yet available, including documents not yet produced and testimony not yet taken.

C. P.R. 4-3(c): Anticipated Length of Hearing.

The claim construction hearing in this action is scheduled to occur on May 31, 2017 at 9:00 a.m. in Marshall, Texas before Judge Roy Payne. The parties anticipate that 4 hours will be required, with each side being allotted 2 hours.

D. P.R. 4-3(d): Witnesses.

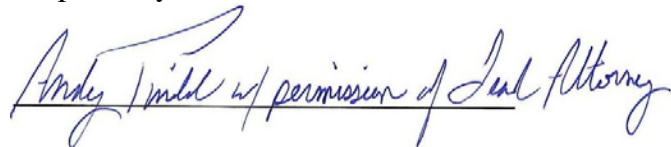
The parties do not expect to call any witnesses at the claim construction hearing.

E. P.R. 4-3(e): Other Issues for a Prehearing Conference

Plaintiff objects to Defendant's late disclosure at 3:49 p.m. on March 8, 2017 containing references of its extrinsic evidence that was due for disclosure on February 15, 2017 pursuant to the Court's Amended Docket Control Order (Doc# 37) and Local Patent Rule 4-2.

Dated: March 8, 2017

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Darius Keyhani w/ permission of Lead Attorney".

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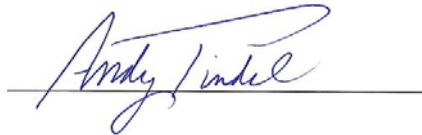
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CERTIFICATE OF SERVICE

This is to certify that all known counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per E. Dist. Tex. Loc. Ct. R. CV-5(a)(3) on this the 8th day of March, 2017. Any other known counsel of record will be served with a copy of this document by email and/or facsimile transmission

A handwritten signature in blue ink, reading "Andy Tindel", is written over a horizontal line.

Andy Tindel